

gate desire to speak in favor of the amendment?

Delegate Chabot.

DELEGATE CHABOT: Just as there are often times when it is difficult to tell whether something is purely a question of law or a question of fact, I suggest that the matter that many of us are concerned with in this amendment is neither purely a question of substance nor purely a question of housekeeping. It partakes of both, and it has significant elements of substance in it.

I suggest that it is more than a matter of housekeeping as to whether or not there will be a small claims court. It is a matter of the people's needs, not simply the best utilization of judicial manpower.

I suggest that it ought to be up to the legislature to be able to decide that even if it means inefficient use of judicial manpower. If there is a need for the people in a given area for a small claims part of the superior court or a district court, the legislature ought to have at least a little bit of a safety valve to be able to require it.

I suggest that the same situation obtains at times with regard to judges who are specialized in certain areas of the law. Sometimes it may be simply a question of the most expeditious disposition of cases; sometimes as in many family law areas or other technical matter it may have to do with the entire philosophy of the way cases in that area are disposed of.

I suggest that it ought to be within the power of the legislature to be able to say to the appropriate court, we feel that it is important as a substantive matter that there be separate judges to handle family type cases.

For this reason, in order to permit this safety valve to be available, I would vote for the amendment.

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: A point of inquiry. I would like to ask the Chairman whether this would permit the maintenance of the separate court system by law, if this amendment is adopted, in Baltimore City. In other words, would the adoption of this amendment simply provide a means by which you could perpetuate the division of courts in Baltimore City?

THE CHAIRMAN: Delegate Mudd, will you respond to the question?

DELEGATE MUDD: Yes, Delegate James.

It was our thought from the beginning that this functional division would be the means by which the present division at the court of limited jurisdiction in Baltimore City could be perpetuated, namely by the municipal court and peoples court. Likewise, perhaps the juvenile court as it now exists in Montgomery County would be another case.

THE CHAIRMAN: I take it Delegate James was referring more particularly to the six courts constituting the supreme bench. Is this correct, Delegate James?

DELEGATE JAMES: That is correct.

DELEGATE MUDD: I see no difficulty in carrying it through at the superior court level in the same regard, depending upon the volume and extent of the business.

THE CHAIRMAN: Delegate Case, do you rise to speak in opposition or in favor?

DELEGATE CASE: I rise to ask the Chairman to yield for a question, if he will.

THE CHAIRMAN: Delegate Mudd, will you yield for a question?

DELEGATE MUDD: Yes.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Delegate Mudd, this sentence was added to the Commission draft.

DELEGATE MUDD: Yes.

DELEGATE CASE: If the sentence were eliminated, would that be equivalent to the amendment that is now being proposed?

DELEGATE MUDD: Yes, I think exactly. If what the Committee added was eliminated and the section was identical with what the draft constitution recommended, I think it would be the same.

THE CHAIRMAN: Does any delegate desire to speak in favor of the amendment?

Delegate Pullen.

DELEGATE PULLEN: I would like to ask a question, sir.

THE CHAIRMAN: Of whom?

DELEGATE PULLEN: Judge Mudd.

THE CHAIRMAN: Does any delegate desire to speak in favor of the amendment, first?